



May 22<sup>nd</sup>, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

In Re: WT Docket No. 99-87  
*Ex Parte* meeting

Dear Ms. Dortch:

On Friday, May 18<sup>th</sup>, Michele Shaughnessy, Chris Wilson, Frank Panzica, Cathy Seidel and the undersigned, all from Motorola Solutions, Inc (MSI), met with David Furth, Acting Chief of the Public Safety and Homeland Security Bureau (PSHSB), along with Michael Wilhelm, Brian Marengo, Tom Eng, Erika Olsen and Zenji Nakazawa, also of the PSHSB, as well as Robert Alderfer, Scot Stone, Keith Harper and Chris Helzer of the Wireless Telecommunications Bureau (WTB), and Ira Keltz and Shane Huang of the Office of Engineering and Technology (OET). The purpose of the meeting was to discuss the Order<sup>1</sup> and Public Notice<sup>2</sup> released by the Commission in response to the recently-passed Middle Class Tax Relief and Jobs Creation Act of 2012 that, among other things, mandates the auctioning of public safety spectrum in the 470-512 MHz band ("T-band") within nine years of enactment.

During the discussion, MSI noted that the Order waived both the requirement for incumbents in the T-band to narrowband their systems by the 12/31/12 narrowband deadline, and the prohibition on the manufacture or importation of existing 25 kHz-capable T-band equipment scheduled to go into effect at the end of 2012. MSI further noted that the Order also allows devices that have already been certified for 12.5 kHz operation to utilize the permissive change process to request approval to support 25 kHz operation in the T-band, as long as that change can be made in software, and that the 25 kHz operation is limited to the 470-512 MHz band.

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<sup>1</sup> Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Order, WT Docket No. 99-87, RM-9332, FCC 12-624 (rel. Apr. 26, 2012)

<sup>2</sup> Wireless Telecommunication Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-band) Spectrum, Public Notice, FCC 12-643 (rel. Apr. 26, 2012)

However, the Order raises substantial concerns regarding the T-band incumbents' ability to update their communications systems until such time as they can be relocated, which could be several years. Without this relief, T-band licensees would not have access to improved equipment, including future multi-band devices that could ensure continued interoperability with neighboring or regional systems, or devices that could smooth the process of relocating the T-band licensees to alternate spectrum in the future. Therefore, MSI requested that the FCC clarify or extend the Order to lift the prohibition on new certifications for devices capable of supporting 25 kHz operation, with such 25 kHz operation restricted to only the T-band.

During the meeting, MSI also expressed its concerns regarding the details of the April 26<sup>th</sup> Public Notice, which announced a freeze on applications for new licenses in the T-band, or applications to modify existing licenses in the T-band, if the result would be to expand a licensee's spectral or geographic footprint, or change locations. MSI raised multiple issues related to the strictness of the freeze, which we believe has the potential to negatively impact the T-band licensees' ability to upgrade equipment, or who have a business or operational need to expand the footprint of their existing system during the years before they are relocated.

To address these concerns, MSI requested that the Commission provide some clarification regarding the impact of the freeze on multiple issues that we believe could have an unintended negative impact on T-band licensees as they await relocation. The issues that MSI has requested the Commission clarify with respect to the license freeze include:

- That changing the emissions type of a system, without increasing the bandwidth, such as converting from an analog to digital network with no increase in bandwidth, will be allowed
- That changing an antenna site, as recently discussed in a filing from the Enterprise Wireless Alliance (EWA)<sup>3</sup>, which does not result in a substantive change in geographic footprint, will be allowed
- That adding additional sites, or T-band frequencies (which are already quite limited) to existing T-band licenses to meet an increase in operational requirements of a licensee will be allowed
- That licensees who had taken delivery of, or were already deploying, equipment at the time the freeze was announced that may nominally expand the spectral or geographic footprint of their network will be granted the license modifications needed to complete such deployments
- Similarly, that licensees who have completed the extensive vendor selection process in order to complete much-needed network improvements, but who have not yet taken delivery of the new equipment, will also be granted the necessary license modifications needed to complete these deployments, even though such improvements may nominally expand the spectral or geographic footprint of their network

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<sup>3</sup> The Enterprise Wireless Alliance, Request for Clarification, Public Notice FCC 12-643 (filed May 8, 2012)



MSI also requested that the Commission consider being flexible in granting waivers in response to requests for license modification that could result in reasonable technical, geographic or spectral expansion, due to the extended period of time that the T-band licensees may be required to operate their existing systems before they can be relocated.

During the meeting, the slide filed with this letter was presented and discussed.

Respectfully Submitted,

/s/ Chuck Powers

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